



State of Tennessee Department of Children's Services

## **Administrative Policies and Procedures: 18.34**

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**Subject: Appeal of Placement Denials in Youth Development Centers and Community Residential Programs and/or Appeal of Terminations From Community Residential Programs**

Supersedes: None

Local Policy: No

Local Procedures: No

Training Required: Yes

Approved by:

Effective date: 09/01/01

Revision date: 02/01/02

### **Application**

To All Department of Children's Services Employees.

**Authority:** TCA 37-5-106; 37-5-123

### **Policy**

When a youth is denied placement, upon referral into a regional Youth Development Center and/or Community Residential Program (Group Home), or when a youth is terminated from a Community Residential Program placement, the denial may be appealed through a systematic process as outlined in this policy. This appeal is in addition to any appeal that may be filed by the youth. Denials of placements to Taft Youth Development Center are not covered by this policy.

### **Procedures**

**A. Residential Appeals Committee (RAC)**

1. The Residential Appeals Committee (RAC) will hear all appeals regarding denial of placement (upon referral) from CRP/YDC and disruptions/terminations from CRP.
2. The RAC shall be appointed by the Commissioner (or designee) and shall be comprised of the following:

- a) One designee of the Commissioner,
  - b) One independent regional representative,
  - c) One independent facility program representative, and
  - d) An alternate for each member must be appointed for situations when the designated members may not participate due to conflict of interest or unavailability.
3. The regional representative must be from a region different from the subject of the appeal.
  4. The residential treatment facility representative must be from a program different from the subject of the appeal and must be from an equivalent program (i.e., Community Residential Program or Youth Development Center).
  5. Each member shall be appointed for a two (2) year period, which may be renewed as needed.
  6. The Commissioner's designee shall serve as the Chairman and shall be responsible for chairing all RAC meetings and notifying all parties of the decision made by the RAC.
  7. The independent regional representative, upon notification of receipt of an appeal from the RAC Chairman, will be responsible for coordinating the appeal (notifying the RAC, scheduling meetings and forwarding information to RAC members).

**B. Procedures for appeals of denial of placement upon referral**

1. Upon receipt of denial of placement referral from a Community Residential Program (CRP) or Youth Development Center (YDC), the regional placement unit may file (via facsimile or e-mail) an appeal packet with the RAC (via the Commissioner's office) with a copy of the appeal packet being forwarded to the denying CRP/YDC.
2. The appeal must be filed with the RAC within:
  - a) Five (5) working days of receipt of the denial of placement into CRP, or
  - b) Three (3) working days of receipt of the denial of placement into a YDC.
3. The Appeal packet must include:
  - a) Form CS-0585, *Appeal of Placement Denials*, which must include a narrative from the appealing regional placement unit indicating the reason for the appeal with

appropriate citations to DCS policy;

b) A copy of the referral packet; and

c) A copy of the denial of placement by the CRP/YDC.

4. Upon receipt of the appeal packet, the denying CRP/YDC has one (1) working day to provide a narrative indicating any additional information to support the denial to the RAC (via the Commissioner's office).

**C. Procedures for appeals of termination from CRP**

1. Upon disagreement of a decision to terminate a youth from placement in a CRP, the regional resource management unit may file a statement of objection (form CS-0586, *Statement of Objection*) with the CRP within 24 hours of the disruption staffing which resulted in termination from the CRP.
2. Following receipt of the statement of objection, the CRP may file (via facsimile or e-mail) an appeal with the RAC (via the Commissioner's office) with a copy of the appeal packet being forwarded to the regional placement unit.
3. Pending the decision of the RAC of the appeal, the youth shall remain placed at the CRP. However, the CRP may request immediate removal of the youth in extenuating circumstances where the youth may pose a serious threat of harm to him/herself, other youth in the program, or CRP staff.
4. The appeal packet must be filed with the RAC within five (5) working days of the disruption staffing and reclassification decision of the treatment team.
5. The Appeal packet must include:
  - a) Appeal of denial (form CS-0585, *Appeal of Placement Denials*);
  - b) A narrative from the CRP indicating the reason for the appeal, citing all appropriate DCS policies;
  - c) A copy of the disruption staffing and reclassification documentation; and
  - d) A copy of the statement of objection (form CS-0586, *Statement of Objection*) filed by the regional resource management unit.
6. Upon receipt of the appeal, the disagreeing regional placement unit has one (1) working day to provide a narrative indicating why the disruption was inappropriate to the RAC.

**D. Decisions of the RAC**

1. The Chairman of the RAC will notify the independent regional representative of the filed appeal and will distribute all appeal information to the regional representative.
2. The independent regional representative will then distribute information to the other RAC members immediately upon receipt.
3. The RAC will conference (in-person or via telephone) to discuss the appeal.
4. The RAC may request additional information that it deems relevant on a case-by-case basis.
5. Each member will have a vote as to whether the underlying decision on the appropriateness of the denial/termination.
6. The RAC must make a decision based upon the information received within the following timeframes:
  - a) Five (5) working days of the filing of the appeal packet regarding CRP under subsection B or C, or
  - b) Three (3) working days of the filing of the appeal packet of denial of placement into a YDC under subsection B.
7. The decision will be communicated by the RAC Chairman to each party via e-mail, which shall be followed within 24 hours by a letter further setting out the decision.

**Forms/Templates**

CS-0585	Appeal of Placement Denial (YDC's or CRP's) or Termination From a DCS Community Residential Program
CS-0586	Statement of Objection

**Collateral Documents**

*None*

**Standards**

*None*

## **Glossary**

<b><i>Term</i></b>	<b><i>Definition</i></b>
<b><i>Residential Appeals Committee (RAC):</i></b>	A Committee appointed by the Commissioner to hear all appeals made by DCS regional representatives when a youth, upon referral into a YDC/CRP, is denied a placement at or when a youth is terminated from a CRP placement.